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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,145	05/03/2007	Bo Ekstrom	P18227-US1	3318
27045	7590	07/22/2010	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			CHENG, CHI TANG P	
			ART UNIT	PAPER NUMBER
			2463	
			NOTIFICATION DATE	DELIVERY MODE
			07/22/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/595,145

**Applicant(s)**

EKSTROM ET AL.

**Examiner**

PETER CHENG

**Art Unit**

2463

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 7, 2010 has been entered.

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 1 have been considered but are not persuasive. In particular, Applicant argues that the cited reference Albers does not teach or disclose "sessions" because "only switched communications is disclosed" (page 4). This is unpersuasive because Albers contains ample disclosure of call connections (see col. 10, lines 50-58 and Background), which disclose "sessions".

Applicant further argues that "the combination of [the cited references] albers and Benitez Pelaez would only disclose the addition of physical ports in a 5ess switch which is connected to a media gateway. As such, the combination of Albers and Benitez Pelaez does not teach, disclose or suggest additional ports in a media handling node of an IMS domain." (page 4).

This argument is unpersuasive. As set forth below, Albers discloses the limitation of "means for assigning an extra port to the media handling node for each new session that is transported through the node". Benitez Pelaez, on the other hand, discloses a (media handling) node in an IMS domain. It would have been obvious to one of ordinary skill in the art to combine these two teachings to arrive at the limitation of "means for assigning an extra port to the media handling node of an internet protocol multimedia subsystem domain for each new session that is transported through the node". Ample motivation to combine was also cited in the rejection set forth previously and below. Thus, Applicant's arguments are unpersuasive. Please see rejection below for details.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 5-7 and 1-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,097,798 to Albers et al., in view of U.S. Patent Publication No. 2004/0190689 A1 to Benitez Pelaez et al.
2. **As to Claim 5**, Albers discloses an arrangement to monitor media session flow in a telecommunication network comprising a media-handling node (Fig. 1, "Arlington 5ESS" node, whose details are further disclosed in Fig. 2 and col. 8, lines 41-48 and

col. 10, lines 15-39, disclosing a "media handling node") through which, sessions between subscribers (Fig. 1, subscriber "126 684-1111" and subscriber "target 112 222-1111") are transported via first ports and second ports (Fig. 2, "interface module 51", comprising "units 0 ... n" and col. 10, lines 15-19 and 27-39, disclosing that such "units 1 ... n", i.e., first ports and second ports, "terminate lines from subscriber stations"; thus disclosing sessions between subscribers are transported via units 1 ... n, i.e., first ports and second ports) comprising:

means for assigning an extra port to the media handling node for each new session that is transported through the node (col. 10, lines 26-58, disclosing that in each "5ess" switch, i.e., the media handling node, there are interface modules 51 that each comprise a "unit 0" port that connect to an enforcement agency terminal; col. 10 lines 50-58 further discloses that each such "5ess" switch, i.e., the media handling node, comprises a "time-multiplexed switch 57", which together with "TSI" of each interface module 51 "selectively connects the interface units in call connections [i.e., "sessions"]", i.e., the "time-multiplexed switch 57" and the TSI in each interface module collectively disclose means for assigning an extra port to the media handling node for each new session that is transported through the node);

means (col. 11, lines 14-18 and Fig. 2, "CALEA module processor" in combination with "DATA STORE 58", disclosing means for storing in a database; also Fig. 1, "service control point scp" and "ln db" and col. 8, lines 10-16, disclosing a database of "local numbers" for rerouting a call to be monitored) for storing in a database (col. 8, lines 23-26, disclosing a "table of target directory numbers" for

surveillance in the CALEA module, thus disclosing database), identification of a first subscriber for which monitoring is desired (col. 8, lines 23-26, disclosing a "table of target directory numbers" for surveillance in the CALEA module, thus disclosing database);

means for setting up a connection between the first subscriber and a second subscriber (col. 8, lines 41-46, disclosing the "Arlington 5ESS", i.e., the media handling node, "routes the call to the target telephone 112"; col. 10 lines 50-58 further discloses that each such "5ess" switch, i.e., the media handling node, comprises a "time-multiplexed switch 57", which together with "TSI" of each interface module 51 "selectively connects the interface units in call connections"; thus the "time multiplexed switch 57" and the "TSI" together disclose means for setting up a connection between the first subscriber and a second subscriber);

means for connect an assigned extra port that is adherent to the session between the first and second subscriber (Fig. 2, "calea module processor", "data store 58 and "program store 56", col. 8, lines 23-26 and col. 11, lines 14-18, disclosing a CALEA module that decides what level of surveillance to apply to a session; col. 8, lines 41-48, disclosing the "Arlington 5ESS" switch, i.e., the media handling node, performing surveillance on the session between the first and second subscribers; col. 10, lines 27-39, disclosing performing surveillance at the 5ESS switch by "half-tapping" into a call/session via the extra port "unit 0" in each interface module 51; thus all of the above discloses means for connect an assigned extra port that is adherent to the session between the first and second subscriber) and;

means (Fig. 1, "Arlington 5ESS" terminal, whose details are further disclosed in Fig. 2) for monitoring the session between the first and second subscriber via the connected extra port (col. 8, lines 41-49; col. 10, lines 27-39; Fig. 1, disclosing an "FBI" agency terminal attached to the "Arlington 5ESS" media handling node, and disclosing performing surveillance, i.e., "monitoring", at the 5ESS switch by "half-tapping" into a call/session via the extra port "unit 0" in each interface module 51).

Albers does not expressly disclose node of an internet protocol multimedia subsystem domain.

Benitez Pelaez discloses node (paragraphs 9, 50, 56 and 60, Fig. 1, disclosing "media gateway MGW 26", "media gateway controller function MGCF 28", and "call session control function cscf22", all comprising a "media handling node", which also comprises "MGW 26", i.e., "a gateway", each component hereinabove disclosing a "node") of an internet protocol multimedia subsystem domain (paragraphs 9 and 50, Fig. 1, disclosing that the "MGW 26" gateway, and the components situated in "IMS" is in an "internet protocol IP multimedia subsystem" domain).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilize the teachings disclosed in Benitez Pelaez, in conjunction with the method as disclosed and taught by Albers. Therefore, Albers and Benitez Pelaez are combinable to teach and disclose "means for assigning an extra port to the media handling node of an internet protocol multimedia subsystem domain for each new session that is transported through the node". The suggestion or motivation would have been to provide a more efficient, robust and enriched method of switching programs or

channels in interactive systems. (Albers, col. 3, lines 13-35; Benitez Pelaez, paragraphs 1, 6 and 7).

3. **As to Claim 6**, please note that Albers and Benitez Pelaez teach and disclose the arrangement as in the parent claim 5.

Albers further discloses further comprising means for sending an indicator (col. 8, lines 34-38, "tcap message" sent by the scp to the Arlington 5ess switch, which causes the 5ess switch to begin surveillance of the session, i.e., indicator to connect extra port and begin monitoring session) from the database indication that the extra port is to be connected (col. 10, lines 27-39 and col. 11, lines 13-31 and Fig. 2, "calea module processor 54" and "data store 54", "administrative module 55", "communications module 53" and "interface module 51", all disclosing the "calea module processor" determining and sending an indicator to the interface module 51 indicating that the extra port "unit 0" is to be used for surveillance/monitoring, i.e., is to be connected, wherein the "data store 54" may also contain a record of such "signaling messages"; also see col. 8, lines 53-55, disclosing "delivery of ... call-identifying information to a law enforcement agency").

4. **As to Claim 7**, please note that Albers and Benitez Pelaez teach and disclose the arrangement as in the parent claim 5.

Albers further discloses further comprising means for setting up a three-part conference (col. 8, lines 41-48, disclosing the "Arlington 5ess" switch, i.e., the media handling node, setting up a three-part conference between subscriber "126 684-1111", subscriber "target 112 222-1111" and "FBI") between the two involved subscribers (Fig.

1, subscriber "126 684-1111" and subscriber "target 112 222-1111") and a monitoring facility (Fig. 1, "FBI").

5. **As to Claim 1**, please see rejection for Claim 5, which recites the same limitations.

6. **As to Claim 2**, please see rejection for Claim 6, which recites the same limitations.

7. **As to Claim 3**, please note that Benitez Pelaez and Albers disclose and teach the arrangement as in the parent claim 2.

Albers further discloses whereby the indicator (col. 8, lines 34-38, "tcp message" sent by the scp to the Arlington 5ess switch, which causes the 5ess switch to begin surveillance of the session, i.e., indicator to connect extra port and begin monitoring session) is sent from the database to the media-handling node (col. 8, lines 34-38, "tcp message is sent from the scp, i.e., the "database", to the Arlington 5ess switch, i.e., the media handling node).

8. **As to Claim 4**, please see rejection for Claim 7, which recites the same limitations.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER CHENG whose telephone number is (571)272-9021. The examiner can normally be reached on M-Th, 8:00AM - 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick W. Ferris can be reached on (571)272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C./  
Examiner, Art Unit 2463

/Ian N. Moore/

Primary Examiner, Art Unit 2463